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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,618	12/31/1999	DAVID W KURZYNSKI	15-IS-5297(7	8075

7590

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/476,618

Applicant(s)

KURZYNSKI ET AL.

Examiner

Etienne P LeRoux

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8, 9, 13-17, 20, 21, 25-29, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,367,698 issued to Webber et al (hereafter Webber '698).

Regarding claims 1, 13 and 25, Webber '698 discloses:

prioritizing the user selected files using a prioritization scheme [least active files per col 5, line 40]

unloading from the memory of the workstation [Fig 1, 108] a unload file having a lower priority than at least one of the user selected files stored in memory [Fig 1, 100]

wherein the unload files includes at least a portion of at least one of the user selected files [col 5, lines 32-40]

Regarding claims 2, 14 and 26, Webber '698 discloses saving settings relating to the unload file in the workstation before the unloading step [col 6, lines 50-55]

Regarding claims 3, 15 and 27, Webber '698 discloses wherein the saving step includes saving changes made by a user to the unload file including at least one of display settings user viewing settings and other changes to the original form of the unload file [col 6, lines 50-55]

Regarding claims 4, 16 and 28, Webber '698 discloses reloading the unload file onto the workstation from the server, and presenting the unload file in an identical form as last presented

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to the user before the unlading step by utilizing the settings from the saving step, hereby the user perceiving the unload file to have been virtually open throughout [col 5, lines 41-48]

Regarding claims 5, 17 and 29, Webber '698 discloses the user selected files include at least one open file stored in the memory and a new file to be stored in the memory [col 5, lines 7-15]

Regarding claims 8, 9, 20, 21, 32 and 33, Webber '698 discloses wherein the prioritization scheme designates a higher priority to the new file than the at least one open file [col 6, lines 3-10]

Claims 6, 7, 10, 11, 18, 9, 22, 23, 30, 31, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber '698 as applied to claims 1, 13 and 25 above.

Regarding claims 6, 18 and 30, Webber '698 discloses the essential elements of the claimed invention as noted above except for loading the new file from a remote unit to the workstation, and presenting the new file onto the workstation, wherein the loading and presenting steps occur after the unloading step. Examiner maintains loading a new file from a remote unit to the workstation is well-known and expected in the art. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the well-known loading a new file from a remote unit to the workstation to include the loading and presenting steps occur after the unloading step. The ordinarily skilled artisan would have been motivated to modify Webber '698 to include above limitation for the purpose of sequencing files to and from the workstation as needed.

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Regarding claims 7, 19 and 31, Webber '698 discloses the essential elements of the claimed invention as noted above except for repeating the prioritizing and the unloading steps a plurality of times as desired to open each successive new file on the workstation. Examiner maintains that opening each successive file on a workstation is well-known and expected in the art. Furthermore, the ordinarily skilled artisan would have been motivated to modify Webber'698 to include above limitation for the purpose of opening files at a workstation [col 2, lines 45-53].

Regarding claims 10, 22 and 34, Webber '698 discloses the essential elements of the claimed invention as noted above except for the prioritization scheme designates a higher priority to the user selected files that comprise a part of a using stack than to each of the user selected files that is a related file. Examiner maintains selected files that comprise a part of using a stack is well-known and expected in the art.<sup>1</sup> It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the well-known selected files that comprise a part of using a stack to obtain the prioritization scheme designates a higher priority to the user selected files that comprise a part of a using stack than to each of the user selected files that is a related file for the purpose of using a stack to receive and dispose of files in a sequential manner.

Regarding claims 11, 23 and 35, Webber discloses the essential elements of the claimed invention as noted above except for the prioritization scheme designates a higher priority to each of the user selected files that is a related file than to each of the user selected files that is not currently being used file, does not comprise a part of a using stack, and is not a related file.

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<sup>1</sup> Refer Pat No 6,101,506 issued to Ukai et al

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Examiner maintains a related file is well-known and expected in the art.<sup>2</sup> It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the well-known stack and the well-known related file to obtain above limitation. The ordinarily skilled artisan would have been motivated to modify Webber '698 to include above limitation for the purpose of providing a method to manage files of audio and/or video [abstract].

3. Claims 12, 24 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber '698 as applied to claim1 above, and further in view of US Pat No 6,501,905 issued to Kimura.(hereafter Kimura '905).

Regarding claims 12, 24 and 36, Webber '698 discloses the essential elements of the claimed invention except for image data. Kimura '905 discloses image data [abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webber'698 to include image data as taught by Kimura '905 for the purpose of providing audio and/or video data [abstract].

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

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<sup>2</sup> Refer Pat No 6,501,905 issued to Kimura

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

August 5, 2003



SAFET METJAHIC  
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